

SHORTHAND REPORTING

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FILED

September 20, 2010

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF COURT REPORTING

IN THE MATTER OF

JUDITH HEIRY, C.C.R.

Certificate No: 30XI00227700

TO PRACTICE COURT REPORTING
IN THE STATE OF NEW JERSEY

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: Administrative Action
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: FINAL ORDER
: OF DISCIPLINE
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This matter was opened to the New Jersey State Board of Court Reporting (hereinafter the "Board") upon its review of information that the respondent Judith Heiry, C.C.R., had failed to complete a minimum of fifteen (15) credits of continuing court reporting education courses during the period of July 1, 2006 to June 30, 2008 required for biennial license renewal pursuant to N.J.S.A. 45:15B-3.1 and N.J.A.C. 13:43-7.1 and 7.2. The Board has reviewed relevant documents on which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Respondent is a certified court reporter in the State of New Jersey and has been a certificate holder at all times relevant hereto.

2. N.J.S.A. 45:15B-3.1 and N.J.A.C. 13:43-7.1(a) require that certificate holders complete fifteen (15) continuing education credits for biennial certification renewal. N.J.A.C. 13:43-7.1(a) specifically requires that the certificate holder complete the required credits during the preceding biennial period. Therefore, for the biennial renewal period of 2008-2010, certificate holders were required to complete fifteen (15) continuing education credits during the period of July 1, 2006 to June 30, 2008.

3. In or about January 2009, the Board initiated a random audit of renewal applications for the 2008-2010 period, asking those randomly selected certificate holders to submit proof with regard to the satisfaction of continuing education requirements for the biennial renewal period, i.e., fifteen (15) credits of continuing education.

4. Respondent submitted information which indicated that she had not completed any of the requisite continuing education credits during the allotted time period of July 1, 2006 to June 30, 2008.

5. The Board, at its March 2009, granted the respondent a six (6) month extension to fulfill the requirement of the completion of fifteen (15) continuing education credits. He/She has now submitted documentation that demonstrates that

he/she has satisfied the requirement but not within the time period required by law.

CONCLUSIONS OF LAW

1. Respondent failed to satisfy the requirements of N.J.S.A. 45:15B-3.1 and N.J.A.C. 13:43-7.1(a) with regard to the timely completion of the required number of continuing education credits for the 2008-2010 renewal period and is therefore subject to sanctions pursuant to N.J.S.A. 45:1-21(h), namely, the failure to comply with the provisions of an act or regulation administered by the Board. The Board finds that this conduct constitutes grounds for sanction pursuant to N.J.S.A. 45:1-25.

2. Respondent is subject to sanctions pursuant to N.J.S.A. 45:1-21(h), failure to comply with the provisions of an act or regulation administered by the Board, which constitutes grounds for sanction pursuant to N.J.S.A. 45:1-25.

DISCUSSION ON FINALIZATION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline, which provisionally imposed a formal reprimand and a civil penalty totaling \$1,500.00, was entered on September 28, 2009 and a copy was served on the respondent. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless respondent requested a modification or dismissal of the

stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

In response to the Provisional Order, the respondent requested a modification or dismissal of said findings and conclusions, and alternatively requested elimination or reduction of the \$1,500.00 civil penalty in a letter dated October 23, 2009. In support of her request, Ms. Heiry advised that she had, among other things, financial difficulties.

The Board, at its November 2009 meeting, reviewed her letter and requested a more detailed response from her relative to her economic hardships. In a correspondence dated June 26, 2010, the respondent advised that she was unable to provide additional financial information. However, Ms. Heiry provided proof of satisfactory completion of the outstanding continuing education courses and she paid the intended civil penalty totaling \$1,500.00.

The Board reviewed the respondent's submission at its July 19, 2010 meeting. Following its review of this matter, the Board determined that further proceedings were not necessary and

that no material discrepancies had been raised. While the Board acknowledged the current economic circumstances, it noted that credits for continuing education must be obtained biennially by each holder of an active certificate during the period preceding the established certificate renewal date as required by N.J.S.A. 45:15B-3.1 and 3.2. Thus, the respondent was required to complete her fifteen (15) credits by June 30, 2008. The Board determined that Ms. Heiry failed to submit proof of the completion of the required credits on a timely basis as the proofs presented indicated that respondent did not satisfy the total amount of the continuing education credits within the preceding certificate renewal period. Thereafter, the Board voted to finalize the Provisional Order without any modifications.

ACCORDINGLY, IT IS on this 31st day of

AUGUST 2010 ORDERED that:

1. Respondent Judith Heiry, C.C.R., is hereby formally reprimanded for failing to timely complete the required number of continuing education credits, in violation of N.J.S.A. 45:1-21(h), N.J.S.A. 45:15B-3.1 and N.J.A.C. 13:43-7.1(a).

2. Ms. Heiry is hereby assessed a civil penalty in the amount of \$1,500.00, which was paid in full in June 2010, for failing to complete the required number of continuing education credits during the preceding biennial period, in

violation of N.J.S.A. 45:1-21(h), N.J.S.A. 45:15B-3.1 and
N.J.A.C. 13:43-7.1.

NEW JERSEY STATE BOARD
OF COURT REPORTING

By: Marianne Cammarota
MARIANNE CAMMAROTA, C.C.R.
President